

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BARRON PARTNERS, LP,

Plaintiff,

Docket No.: 07-CV-11135 (JSR)

-against-

**ECF CASE**

LAB123, INC., HENRY A. WARNER, FRED  
FITZSIMMONS, KENT B. CONNALLY, KURT  
KATZ, ROBERT TRUMPY, JEREMY J. WARNER,  
DAVID FLEISNER, BIOSAFE LABORATORIES,  
INC. and BIOSAFE MEDICAL TECHNOLOGIES,  
INC.,

Defendants.

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**MOTION TO FILE A CORRECTED MEMORANDUM OF LAW**

Defendants Lab123, Inc. ("Lab123"), Biosafe Laboratories, Inc. ("Biosafe Labs"), Biosafe Medical Technologies, Inc. ("BMT"), Henry A. Warner, Kent B. Connally, Robert Trumpy, and Jeremy J. Warner (collectively "Defendants") move to file a corrected Memorandum of Law in support of their Motion to Dismiss to correct a typographical error. Defendants inadvertently omitted Exhibit 45, the fully executed License Agreement between Biosafe Labs and Lab123, from the Memorandum of Law that was filed with this Court on April 30, 2008. The only corrections to the Memorandum of Law are the attachment of Exhibit 45, and citation to Exhibit 45 within the Memorandum of Law.

Therefore, Defendants respectfully request leave to file a corrected Memorandum of Law in support of their Motion to Dismiss.

Respectfully submitted,

/s/ Janene Marasciullo  
Janene Marasciullo (*pro hac vice*)  
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**CERTIFICATE OF SERVICE**

I, **TODD D. KREMIN, ESQUIRE**, attorney for Defendants, LAB123, INC., BIOSAFE LABORATORIES, INC., BIOSAFE MEDICAL TECHNOLOGIES, INC., HENRY A. WARNER, KENT B. CONNALLY, ROBERT TRUMPY and JEREMY J. WARNER, do hereby certify that a true and correct copy of the DEFENDANTS' NOTICE OF MOTION and MOTION TO FILE A CORRECTED MEMORANDUM OF LAW was filed electronically with the Court using the CM/ECF system, which sent notification to the following parties:

Barry R. Lax, Esq.  
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First Class Mail Only

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Dated: May 2, 2008



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TODD D. KREMIN, ESQ. (TK-0102)